

### **REMARKS**

Applicants have amended claims 34, 35, 37 and 38 to more specifically describe a preferred embodiment. Claim 36 has been cancelled. New claims 39 and 40 have been added.

Support for amendment of the claims and the new claims can be found throughout the specification and originally filed claims.

Support for amendment of claim 34 is found, for example, at numbered paragraph [0006], lines 1-3, and [0034], of the published application.

Support for amendment of claim 35 is found, for example, at numbered paragraph [0028], lines 12-14, of the published application.

Support for amendment of claims 37 and 38 is self evident.

Support for new claim 39 is found, for example, at numbered paragraph [0035] of the published application

Support for new claim 40 is found, for example, at numbered paragraph [0035] of the published application.

Applicants respectfully request entry of these amendments.

### **Rejection of Claims under 35 USC 112, First Paragraph**

Claims 35-36 have been rejected under 35 USC 112, first paragraph, as not enabled by the specification. In a telephone conference between Applicant's attorney and Examiner Krishnan, Examiner Krishnan clarified that claim 34 also stands rejected under 35 USC 112, first paragraph as not enabled by the specification. In light of this, Applicants respectfully request for the record, official clarification of the status of claim 34 regarding the rejection under 35 USC 112, first paragraph, enablement. In a follow-up phone conference with Examiner Krishnan, he Indicated to Applicant's attorney that he considered enabled, a claim directed to a method of

promoting neuronal outgrowth in a subject with retinal damage comprising contacting the neuron with D-mannose, if the claim also included dosage restrictions. To that end, pending claim 34 has been amended to specifically recite “A method of promoting neuronal outgrowth in a neuron in a subject with retinal damage comprising contacting the neuron with an effective amount of D-mannose, to thereby promote neuronal outgrowth of the neuron.” Applicants submit that amended claim 34 specifies the limitations indicated as enabled, by Examiner Krisnan. Applicants further submit new claims 39 and 40, which indicate to the ordinary skilled artisan specific dosages of administration of the D-mannose.

With respect to the rejection of claims 35 as non-enabled by the specification due to the recitation of cAMP modulators, Applicants have amended claim 35 to recite “forskolin” rather than “a cAMP modulator.” The Examiner has indicated in the Office Action that the application is enabling for the regeneration of axons by administration of mannose and forskolin, but not for the regeneration of neurons using a combination of D-mannose and all the modulators (page 3, lines 1-5, of Office Action of December 15, 2008). With respect to the rejection of claim 36, Applicants have cancelled claim 36. Applicants submit that this amendment to claim 35 and cancellation of claim 36 obviates the rejection of claims 35 and 36. Applicants make these amendments in an effort to expedite prosecution of a preferred embodiment. Applicants reserve the right to pursue broader claims in a divisional or continuation application.

#### Rejection of Claims under 35 USC 112, Second Paragraph

Claims 36-38 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as

the invention. More specifically the Examiner objects to the recitation of “cAMP analogues” and also specific phosphodiesterase IV inhibitors, of claim 36. The Examiner further objects to the term oncomodulin recited in claim 37, and of TGF- $\beta$  recited in claim 38, as being taught as macrophage derived factors, and since claims 37 and 38 depend from claim 36, which recites “macrophage-derived factors that stimulate cAMP,” alleging that the further recitation of oncomodulin and TGF-  $\beta$  in a dependent claim is indefinite. With respect to claim 36, Applicants submit that this rejection has been obviated by cancellation of this claim. With respect to claim 37 and 38, Applicants submit that the cancellation of claim 36, which recites the term “macrophage-derived factors that stimulate cAMP” obviates this rejection, since there is no longer any confusion as to what the recited terms “oncomodulin” and “TGF-  $\beta$ ” refer. As such, Applicants respectfully request withdrawal of this rejection.

#### Double Patenting Rejections

The Examiner has provisionally rejected claims 34-38 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-4 and 6-9 of copending Application No. 10/580,364 (‘364). Applicants respectfully request that this rejection be held in abeyance until an indication of allowable subject matter.

### **SUMMARY**

In view of the amendments to the claims, Applicants respectfully submit that the claims are now in condition for allowance.

### **FEE AUTHORIZATION**

The Commissioner is authorized to charge any fees and credit any overpayments that may be due in connection with this submission to Nixon Peabody LLP Deposit Account No. 50-0850.

Date: April 14, 2009

Customer No. 50828

Respectfully submitted,

/Shayne Y. Huff/

David S. Resnick (Reg. No. 34,235)

Shayne Y. Huff (Reg. No. 44,784)

NIXON PEABODY LLP

100 Summer Street

Boston, MA 02110-2131

Tel: (617) 345-1000

Fax: (617) 345-1300

E-mail: bostonpatent@nixonpeabody.com